

Forclosure and Receiver Asked For Hilo Railroad Suit Under 1909 Mortgage Begun In Hilo--Bishop Trust Company Is Named as Applicant

Proceedings for the foreclosure of the 1909 mortgage given by the Hilo Railroad Company to the Bishop Trust Company as trustees of the bondholders, have been begun in Hilo.

A bill in equity for the foregoing purpose was filed in the Circuit Court of Hilo on Wednesday last, October 7.

The bill is filed in the name of the Bishop Trust Company, Limited, trustee and names the Hilo Railroad Company and the First American Savings and Trust Company of Hawaii as respondents.

The bill is entitled "Bill for foreclosure of mortgage and the appointment of receiver."

The bill alleges that the bond interest is overdue and that the railroad company is unable to pay it.

Foreclosure Asked

The general prayer of the bill asks that the court order the foreclosure of the mortgage in question and the sale of the property, the proceeds to be devoted to payment of principal and interest on the bonds.

Special prayers are that a receiver be appointed to take possession of the property and carry the same on pending foreclosure proceedings.

Also that a preliminary injunction issue prohibiting the railroad company from selling or disposing of any of its property pending this litigation.

Order Is Issued

An order was issued by Judge Parsons on the same day the petition was filed, October 7, granting the issuance of the injunction and setting Friday next, October 15, as the day for hearing the question of whether a receiver should be appointed or not.

The First American Savings and Trust Company is made a defendant in the case because that company is the trustee under another mortgage for one million dollars, dated 1901.

The First American Savings and Trust Company has signified its intention to resign its position as trustee under the 1901 mortgage; the reason for such action being, it is understood, that it is a large owner of bonds of the 1909 issue.

Who will be appointed trustee in place of the First American is not yet decided. The trustee will be selected by a majority vote of the 1901 bondholders. It is rumored that the First Trust Company of Hilo may be made the trustee.

Simultaneous Foreclosure

Under the "bondholders protective agreement," details of which have been heretofore published, the proposition is that the 1901 trust mortgage shall be foreclosed at the same time as the mortgage of 1909, the railroad being sold as a whole.

A considerable majority of the bondholders of both the 1901 and the 1909 mortgages have already signed this agreement.

Under these circumstances, the normal thing to expect is that the 1901 trustee will consent to the foreclosure proposition of the 1909 bondholders, and will ask that the 1901 mortgage be foreclosed at the same time.

A. A. Wilder appears as attorney for the petitioner, in the suit now pending.

Holmes and Olsen are attorneys for the joint bondholders committee; but do not, as yet, appear as attorneys of record in this litigation.

Frear Drafting Reply

W. F. Frear is the attorney of the Hilo Railroad Company and will prepare the returns of the company on the order to show cause on Friday next. He will also prepare the answer of the company to the bill in general, which must be filed in ten days.

It is understood that the company will not object to the appointment of a receiver.

Attitude Not Announced

Just what attitude the company will take in its answer, on the main issue, is not yet known.

It has been intimated by the bondholders committee that some agreement with the present stockholders and the unsecured creditors of the Hilo Railroad Company will be made by the bondholders, under which the claims of such stockholders and creditors will be considered in the formation of a new company which may buy in the property of the Hilo Railroad Company upon the mortgage foreclosure above referred to.

Committees representing the secured creditors and the stockholders of the company, respectively, have been appointed. These committees will doubtless come to an understanding with the bondholders committee at an early date.

So far as now known, there does not seem to be any reason why an equitable understanding should be arrived at between these committees.

JAPANESE EPISCOPAL
MINISTER AT HILO

HILO, Hawaii, October 9.—Rev. Paul J. Tama, a minister of the Episcopal church who is a graduate of Seabury Divinity school, Farquhar, Minnesota, and who has engaged in much missionary work among Japanese in the states, arrived in Hilo Thursday to assume charge of the Christian work among his countrymen in this island.

He takes the place formerly occupied by K. Miyazawa. He is to preach in English tomorrow morning at the Church of the Holy Apostles.

CHILDREN'S COLDS

Why let the children rack their little bodies in such a distressing manner when you can so easily cure their colds with a bottle of Chamberlain's Cough Remedy. For sale by all leading druggists, Benson, Smith & Co., Ltd., agents for Hawaii.

KAULANI CELEBRATION

Invitations are out for the tenth anniversary celebration of the Kaulani home, which is to be held Saturday afternoon between the hours of four and six o'clock. The occasion is the birthday of the late Princess Kaulani, in whose name and honor the home for girls was founded. The entertainment will take place at the home, on King street opposite the Y. W. C. A.'s old home.

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KONA PLANTATION IN JAPANESE HANDS

Sugar Holdings Recently Sold.
Pass To New Owners

James Castle's sugar plantation in Kona, Hawaii, the sale of which to a Japanese controlled corporation was reported in The Advertiser several weeks ago was turned over formally to the new owners yesterday.

The 1915 grinding season has ended. The purchase price was reported to be \$300,000.

T. Kono, the manager and one of the largest stockholders, took hold at midnight last night. He has retained William McQuaid, who for a long time served as manager of the Kona Development Company, and was with Mr. Castle at the Kona plantation, as adviser.

The directors of the new concern are T. Kono, William Castle, Robert W. Shingle and S. Shiga.

Mr. Shiga said yesterday that while the majority of the laborers will be Japanese, all employees under the old regime who desire to remain will be retained, no discrimination being shown between races.

SAVING MONEY BY
LOSING ROAD GANG

Hawaii County doesn't care if High Sheriff Jarrett does withdraw his prisoners from the Volcano road work!

Executive Officer Kauhane of the Hawaii County government (which Kauhane has just said in an interview to be the finest government in the Territory), is responsible for the statement that the county is now doing the road work at a lesser price than it cost to maintain the prisoners.

According to the way Kauhane figures it out, Jailor McAlulon with fifty prisoners in fourteen months did as much work as he is going to do with twenty-five voters in two months; that it cost \$11,000 to maintain the prisoners to do the amount of work it is going to cost him \$3000 to do with the aforementioned voters.

Consequently the executive officer of Hawaii, and his conferees are with him, are not a bit chagrined over the attorney-general's huff which resulted in the withdrawal of the convict road gang.

Royal Home a
Swipes Joint
Says Report

Swipes desecrate the areas of the old Royal Palace at Kailua according to word from Hawaii where Liquor Inspector Overend reports that his office is now the center of an illicit liquor supply.

Overend the manufacture of swipes, a particularly potent alcoholic derivative of potatoes and rice, is now being generally sold around that side of Hawaii county for the absurdly cheap price of five cents a glass, with one jag and two hangers guaranteed for fifteen cents.

Ten blind pigs and seven swipes manufacturers are reported in Pahala alone by Overend who complains that lack of cooperation for him from the Hawaii police make it easy for that manner of gentry to get along.

HAWAIIAN MEDICOS
TO GATHER SOON

Plans are already being laid towards the twenty-fourth annual meeting of the Hawaiian Medical Association, the dates of which were announced yesterday to be November 6, 7 and 8.

The committee on arrangements is starting early to make this session live up to its predecessors, and there is said to be enough material in sight to make it as interesting an event as ever.

The committee on arrangements consists of Dr. Arthur G. Hodgins, Dr. H. V. Murray and Maj. M. A. Delaney, M. C., U. S. A. The usual picnic will be held on Sunday, and the annual banquet will close the session the evening following.

KAHULUI BUSINESS
IS HIT BY CHE-FA

Business men of Kahului are complaining that the steadily increasing craze for playing in the che-fa lottery is threatening to ruin their business.

The Weekly Times of Waikuku, Men, women and even children have caught the gambling fever and are staking their last cent.

The barbers say the men do not authorize them any more, but let their curls grow in order to spend their money on che-fa tickets. Restaurant and other place keepers, who have establishments are not used as frequently as formerly, as the long hours hide the peaked signs attendant upon a circumscribed diet and thus permit the release of still more cash for the che-fa.

WAILUKU, October 9.—The Maui supervisors this week instructed the county attorney to draft an ordinance regulating heavy traffic on the county highways. The contemplated step is designed to protect the paving from heavy tractors, steam plows and similar vehicles which at present have been unrestricted to all roads and through carelessness in many cases have broken up paved sections very badly.

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GEORGE F. RENTON ASKS EFFECTS OF GERMAN ALLIANCE

Principles As Outlined By Honolulu Branch Consequently Are Given

ALLEGIANCE TO AMERICA
AS ALWAYS, REITERATED

Utterior Motives Such As Founding State Within a State Are Denied

From George F. Renton, manager of the Ewa Plantation Company of Ewa, Hawaii, The Advertiser has received the following letter:

"A day or so ago Mr. Lorrin A. Thurston published a statement in connection with European war news. I have nothing to say about the statement. My interest, as a citizen of the United States, has been aroused, however, by the fact that there exists in Hawaii a branch of the 'National German American Alliance of the United States of America.' Would you mind saying, in your paper, what the 'National German American Alliance of the United States of America' is?"

Information Is Obtained

In compliance with Mr. Renton's request The Advertiser has obtained from William Weller, a vice president of the Honolulu branch, the following "principles of the National German American Alliance of the United States of America":

"The National German American Alliance aims to awaken and strengthen the sense of unity among the people of German origin in America with a view to promote the useful and healthy development of the power inherent in them as a united body for the mutual guarantee of the rights and interests of German origin in America with the common good of the country, and the right duties of good citizens; to check nativeistic encroachments; to maintain and safeguard the good friendly relations existing between America and the old German father land."

To read the history of German immigration to be continued how much it has contributed to the advancement of the spiritual and economic development of this country, and to realize what it is still destined to contribute and how the German immigrant has at all times stood by his adopted country in war or in peace.

Recognition of Merit Demanded

"The Alliance demands therefore the full honest recognition of these merits and opposes every attempt to belittle them. Always true to the adopted country, ever ready to risk all for its welfare, sincere and unselfish in the exercise of the duties of citizenship, respecting the law—still remains the watchword!"

It has no exclusive interests in view, nor the founding of a State within a State, but sees in the centralization of the inhabitants of German origin the shortest road to and the surest guarantee for the attainment of the aims set forth in this constitution; it calls therefore on all German organizations—as the organized representatives of the German spirit and manners—to cooperate with it for their development and recommends further the formation of societies in all the States of the United States of America, looking toward an eventual centralization of these societies into a great German American Alliance, and would have all German societies consider it a duty and an honor to join the organization in their respective states.

Principles Are Outlined

"The Alliance engages to labor faithfully and at all times with all the legitimate means at its command for the advancement and propagation of its principles, and to defend them energetically wherever and whenever they are in danger; its purposes are the following platform:

"1. The Alliance, as such, refrain from all interference in party politics, reserving, however, the right and duty to defend its principles also in the political field, in case they should be attacked or endangered by political measures. The Alliance will inaugurate and support all legislation for the common good that is sure to find unanimous approval of its members."

"2. Questions and matters of religion are strictly excluded."

"3. It recommends the introduction of the study of German into the public schools on the following broad basis: Along with English, German is a world language; wherever the pioneers of civilization, trade and commerce have penetrated, we find the people of both languages represented; wherever knowledge of another language prevails more generally, there is an intelligent, clear and unprejudiced understanding of the people of the other language, and a more friendly relation formed."

"4. We live in an age of progress and invention; the pace of our time is rapid, and the demand on the individual are inexorable; the physical exertion involved increases the demands on the body; force a healthy mind should live in a healthy body. For these reasons the Alliance will labor for the introduction of systematic and practically gymnastic (physical) and mental instructions in the public schools."

"5. It further declares in favor of taking the school out of politics, for only a school of education that is free from political influence can offer the people real and satisfactory schools."

"6. It calls on all Germans to exercise the right of citizenship as soon as they are legally entitled to it, to take an active part in public life, and to exercise their right—in the polls—freely and according to their own judgment."

"7. It recommends either a liberal and modern interpretation or the abolition of laws that put unnecessary disabilities in the way of acquiring the right of citizenship, and frequently unfairly prevent it. Good character, an honorable upright life, obedience to laws should decide, and not the answering or non-answering of arbitrarily selected political or historical questions, which easily confuse the applicant."

Attitude On Immigration

"8. It opposes any and every unjust restriction of immigration of healthy persons from Europe exclusive of convicted criminals."

"9. It favors the abolition of anti-chinese laws no longer in accordance with the spirit of the times, which check free intercourse and restrict the personal freedom of the citizen."

"10. It recommends the founding of educational societies which will foster the German language and literature, teach those anxious to learn, and arrange courses of lectures on art and science and questions of general interest."

"11. It recommends a systematic investigation of the share Germans have had in the development of their adopted country, in war and in peace, in all kinds of German American activities, from the earliest days, as the basis for the final and continuous of a German American history."

"12. The Alliance advocates all legal and economically correct measures for the protection of the forests of the United States."

"13. It reserves the right to extend or supplement this platform when new conditions within the scope of its time and aims make it desirable or necessary."

Officers of Local Branch

Officers of the Honolulu branch of the Alliance are the following: President, Dr. R. B. Borchers; vice president, W. Weller; secretary, Dr. C. C. Schumann; Charles W. Ziegler; Charles S. Dwyer; E. Berger; treasurer, E. G. Hansen; secretary, C. R. Borchers; committee, Carl Borchers, Ernest Koenke, B. C. Hansen, Ambrose J. Wertz.

The national president is Dr. C. J. Pexmeyer. His headquarters are at Philadelphia. It was Dr. Pexmeyer who sent out notices to all branches of the Alliance recently asking members to send in \$2.00 as a dollar dues post in the half-billion dollar loan of the Allies.

MAUNA LOA TRAIL
IS NOW LOCATED

Everything Ready For Volunteers
Of Twenty-fifth, Including
Fine Camp Site

The proposed new Mauna Loa trail has been definitely located by Engineer Burdick of the public works department, who spent three days last week in company with P. K. Pea, a kamaaina, on the mountain.

The trail located is from the Keahou Ranch to Puu Ulaia, the large red hill on the northeast slope of Mauna Loa seen on the sky line from the Volcano House.

Mr. Burdick estimates the distance from the Keahou Ranch to Puu Ulaia, along the line of the trail located, to be approximately sixteen and a quarter miles. Of this, approximately one mile, in two sections of a quarter and three-quarters of a mile respectively, consists of a lava. The material is old and rotten, however, and can be easily crushed down to make a good trail.

The entire remainder of the distance of sixteen and a quarter miles is located on soil and Pahoehoe lava, over which a trail can be quickly and cheaply constructed.

It took Mr. Burdick seven hours actual riding time to cover the distance. This would indicate that when a trail is constructed the distance can be covered in considerably less time.

Time Camping Ground

Mr. Burdick reports that the lower half of the trail is located in a fine forest of large koa trees in which there is abundance of grass and ferns and good camping ground. Above this stretch of eight miles, come eight miles of scrubby country. The remainder of the distance consists of open country.

At Puu Ulaia Mr. Burdick found an exceedingly slightly location, from which Mauna Loa, Mauna Kea, the middle ground between the two mountains, Kilauea and all of the surrounding country were plainly visible. A large clearing was visible four or five miles further up the side of the mountain and a number of cones formed at the time of the lava flows of recent years, were plainly visible, close at hand.

Securing Water Supply

Immediately upon Mr. Burdick's report being received, the trail committee, of which G. H. Vickers of Hilo is chairman, proceeded to make arrangements to forward a supply of galvanized roofing and a two thousand gallon water tank to a point eight miles up from the Keahou Ranch, for the purpose of collecting a water supply for the trail builders, this point being recommended by Mr. Burdick as an intermediate camp site. This material will begin to go up on Monday next.

Notice that the trail has been definitely located and that the committee is ready for Company E of the Twenty-fifth Infantry to come as soon as they are given to Captain Bates of Company E, yesterday morning. Company E is taking part in the army maneuvers, now under way, so that the captain said that he could not tell exactly when they could get away, but thought it would be on or after Saturday next. He hopes to be able to send the exact date by Monday next.

The Inter-Island Steamship Company will be prepared to take the soldiers and a date convenient to the military. Under these circumstances another week or so should see the machinery for putting the trail upon Mauna Loa and erecting rest houses on the line thereof, in full operation.

Freely and according to their own judgment."

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